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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,216	02/05/2002	Neil S. Wester	42390P6169D	2708
8791	7590	01/26/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			MALSAWMA, LALRINFAMKIM HMAR	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/072,216

**Applicant(s)**

WESTER, NEIL S.

**Examiner**

Lex Malsawma

**Art Unit**

2825

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7, 8, 10-12, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimomura et al. (5,747,790; hereinafter “**Shimomura**”).

Shimomura discloses an apparatus comprising a plurality of devices/integrated circuits (item 76+77) on a substrate (item 71) and in a process condition to be singulated, a scribe line area separating the devices (Fig. 24) and a masking material (item 79) overlying a portion of the scribe line area. The masking material comprising a transparent material with an acrylate moiety (Col. 8, lines 39-42) and its thickness is similar to the thickness of the devices (Fig. 24). The devices comprise sensors (Col. 18, lines 44-57) and the masking material overlies the entire portion of the scribe area (Fig. 24).

3. Claims 1-3, 5-11 and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Shimomura** (5,747,790).

Shimomura discloses an apparatus comprising a plurality of devices/integrated circuits (items 83R, 83G and 83B) on a substrate (item 71) and in a process condition to be singulated, a scribe line area separating the devices (Fig. 32) and a masking material (Fig. 30, item 84 OR Fig. 32, item 86) overlying a portion of the scribe line area. The masking material comprises a

transparent material with an acrylate moiety (Col. 8, line s39-42). The devices comprise a material layer with a colorant such as a pigment (Col. 21. lines 62-67 and Col. 22, lines 1-5) and they comprise sensors (Col. 22, lines 18-25) and the masking material overlies the entire portion (Fig. 30) or only a portion (Fig. 32) of the scribe line area.

#### *Remarks*

4. Applicant's remarks/arguments have been fully considered but they are not persuasive. Applicant submits that Shimomura does not anticipate the currently claimed invention because Applicant asserts that, in a process condition to be singulated, the apparatus of Shimomura does not include the gap filler layer from the scribe area. The examiner disagrees with Applicant's assertion as to a point (or the exact point) at which one should understand to be "a process condition to be singulated". For example, "a process condition to be singulated" could be specifically interpreted to be a point at which a dicing-saw blade is exactly 1mm above the substrate/wafer, or it could be interpreted to be at a point just after scribe lines are formed on the substrate/wafer. Accordingly, Applicant's remarks/arguments and the amendments to the claims are not considered to have patentable weight over Shimomura.

#### *Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lex Malsawma whose telephone number is 571-272-1903. The examiner can normally be reached on Mon-Fri (8 hours between 5:30AM and 10:00 PM EST).

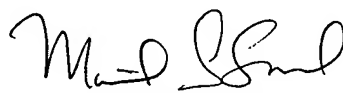
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lex Malsawma



January 24, 2005



MATTHEW SMITH  
ADVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800